



Crl.O.P.No.31335 of 2022

WEB COPY

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 19.12.2022

CORAM

THE HON'BLE MRS.JUSTICE T.V.THAMILSELVI

Crl.O.P.No.31335 of 2022

Pradeep

... Petitioner

Vs.

The State represented by,
The Inspector of Police,
All Women Police Station,
Perambalur.

(Crime No.20/2021).

... Respondent

PRAYER: Criminal Original Petition filed under Section 439 of Cr.P.C.,
pleaded to enlarge the petitioner on bail in connection with the Spl.S.C.No.3 of
2022 on the file of the Sessions Judge Mahila Court, Perambalur is pending
trial.

For Petitioner : Mr.M.Muthukrishnan

For Respondent : Mr.S.Vinoth Kumar
Government Advocate (Crl.Side)



WEB COPY



Crl.O.P.No.31335 of 2022

ORDER

The petitioner, who was arrested and remanded to judicial custody on 24.07.2021 in S.C.No.3 of 2022 pending on the file of the learned Sessions Judge Mahila Court, Perambalur for the offences punishable under Sections 5(m) r/w 6 of Protection of Children from Sexual Offences Act, 2012, in Crime No.20 of 2021, on the file of the respondent police, seeks bail.

2. The case of the prosecution as per the de-facto complainant is that the petitioner had misbehaved with her minor daughter, aged about 4 years and inappropriately touched her private parts. Hence the case.

3. Learned counsel appearing for the petitioner submitted that the petitioner is an innocent person and he has been falsely implicated in this case. He further submitted that the petitioner is in custody from 24.07.2021, hence, he prays for grant of bail to the petitioner.

4. Learned Government Advocate (Crl.Side) appearing for the respondent police submitted that the petitioner had misbehaved with her minor daughter aged about 4 years and inappropriately touched her private parts.



Crl.O.P.No.31335 of 2022

Hence, he opposed to grant bail to the petitioner.

5. Heard the learned counsel for the petitioner and the learned Government Advocate (Crl.Side) for the respondent and perused the materials available on record.

6. Taking into consideration the facts and circumstances of the case and the submissions made by the learned counsel for the petitioner and also considering the period of incarceration undergone by the petitioner, this Court is inclined to grant bail to the petitioner.

7. Accordingly, the petitioner is ordered to be released on bail on his executing a bond for a sum of **Rs.10,000/- (Rupees Ten Thousand only)** with **two sureties**, each for a like sum to the satisfaction of the **learned Sessions Judge, Mahila Court, Perambalur**, and on further conditions that:

(a) the sureties shall affix their photographs and left thumb impression in the surety bond and the Magistrate may obtain a copy of their Aadhar card or Bank pass Book to ensure their identity;



Crl.O.P.No.31335 of 2022

(b) the petitioner shall appear before the learned trial Court regularly on all hearing dates, without fail;

(c) the petitioner shall also report before the respondent police on every Wednesday 10.30 a.m., till the completion of trial;

(d) the petitioner shall not communicate with the victim and her family;

(e) the petitioner shall not tamper with evidence or witness during trial;

(f) the petitioner shall not abscond during trial;

(g) on breach of any of the aforesaid conditions, the learned Magistrate/ Trial Court is entitled to take appropriate action against the petitioner in accordance with law as if the conditions have been imposed and the petitioner released on bail by the learned Magistrate/Trial Court himself as laid down by the Hon'ble Supreme Court in *P.K.Shaji Vs. State of Kerala [(2005) AIR SCW 5560]*; and;

(h) if the accused thereafter absconds, a fresh FIR can be registered under Section 229-A IPC.

19.12.2022

ham

To



Crl.O.P.No.31335 of 2022

WEB COPY

1. The Sessions Judge, Mahila Court,
Perambalur.
2. The Inspector of Police,
All Women Police Station,
Perambalur.
3. The Central Prison,
Trichy.
4. The Public Prosecutor,
High Court of Madras.



WEB COPY



Crl.O.P.No.31335 of 2022

T.V.THAMILSELVI,J.

ham

Crl.O.P.No.31335 of 2022

19.12.2022